

January 21, 2022
Minutes - Special Maine Milk Commission Meeting
Room 101, Deering Building
Augusta, Maine 04333

Emergency Notices for the January 21, 2022 meeting were sent to Commission members, intervenors, and staff who attended the January 20, 2022 meeting.

Commission Present: Mike Wiers, Stanley Millay, and Linda Stahlnecker.

Commission Absent: Richard Cook and Colon Durrell

Department Officials: None

Staff Present: Julie-Marie Bickford, Executive Director, and Carol Gauthier, Office Associate, II,

Legal Counsel: Caleb Elwell

Others Present: None

Chairman Wiers called the meeting to order at 3:00 p.m.

Agenda Item 1: Call to Order: Chairman Wiers called the meeting to order and stated the purpose for the meeting was to correct an error that had been adopted in the prices approved by the Commission at the January 20, 2022 meeting.

Agenda Item 2: Caleb Elwell, Assistant Attorney General:

Caleb Elwell clarified the procedure for the meeting was to supersede the incorrect prices adopted at the previous meeting and replace them with the correct pricing structures. Since the rulemaking paperwork had not been filed yet for the January 20, 2022 meeting, any votes taken at the January 21, 2022 meeting would be the basis for the rulemaking to cover February 2022 prices.

In future, the Commission should re-examine the wording of the motions involved in adopting the pricing schedule to allow for calculation errors to be corrected administratively.

Agenda Item 3: Minimum Prices:

Julie-Marie Bickford reported a prevailing premium of \$1.04/cwt. on Class I for January 2022, DFA reported no changes for January 2022 and no new information from Agri-Mark. The correct Federal Order One Class I price for February 2022 is \$24.89, an increase of \$1.93/cwt. These were the only adjustments needed for the motion and, along with a correction to the butterfat price on the schedule, would correct the per unit pricing errors in the schedule adopted on January 20, 2022.

Chairman Wiers asked for testimony.

No testimony was received.

Chairman Wiers asked for a motion.

Stanley Millay made the motion to accept amended order #2-22 with a Commission premium of \$1.04/cwt. and a COPA of \$1.63/cwt. Linda Stahlnecker seconded the motion.

The motion passed 2-0.

Adjourned: Adjourned; 3:08 p.m. January 21, 2022.

Julie-Marie Bickford, Maine Milk Commission

January 20, 2022

Maine Milk Commission Meeting Minutes
Room 101, Deering Building
Augusta, Maine 04333

Notices for the January 20, 2022 meeting were distributed to Commission members, intervenors and other interested parties on December 23, 2021 and sent to the Secretary of State's Office for posting on December 23, 2021.

Commission Present: Mike Wiers, Stanley Millay, Colon Durrell, Richard Cook, and Linda Stahlnecker.

Commission Absent: None

Department Officials: None

Staff Present: Julie-Marie Bickford, Executive Director, Carol Gauthier, Office Associate, II, Joy Bonenfant, Resource Administrator

Legal Counsel: Caleb Elwell

Others Present: Tade Sullivan, Maine Dairy Industry Association; John Blake, H.P. Hood; Christine Cummings, Maine Grocer and Food Producer Association; Bob Proulx, Oakhurst; Heath Miller, Farmer; and Mary Frank, member of the public.

Chairman Wiers called the meeting to order at 4:04 p.m.

Agenda Item 1: Minutes: Colon Durrell made a motion to accept the minutes of the December 23, 2021 meeting. Dr. Cook seconded the motion. Motion passed 4-0.

Agenda Item 2: Caleb Elwell, Assistant Attorney General:

Nothing new to report.

Agenda Item 3: Minimum Prices:

Julie-Marie Bickford reported a prevailing premium of \$1.04/cwt. on Class I for January 2022, DFA reported no changes for January 2022 and no new information from Agri-Mark. Federal Order One Class I price for February 2022 is \$24.80, an increase of \$1.84/cwt. The Class II price for December 2021 was \$19.84/cwt, a \$1.44/cwt increase over \$18.40 in November 2021. The Class III price for December 2021 was \$18.36/cwt, and increase over \$18.03/cwt. She explained that a schedule was prepared using this information plus a producer cost of production adjustment (COPA) of \$1.63/cwt. She stated that this price schedule was for informational purposes and that the Commission was not bound to it, and they should make their pricing determination after hearing testimony.

Chairman Wiers asked for testimony.

No testimony was offered from intervenors.

Colon Durrell asked if there was any information about how stores near the borders of Maine were handling the increase in prices the last few months. Stanley Millay suggested that the Executive Director include surveys from stores near the New Hampshire border for the next Commission meeting.

Colon Durrell referenced an editorial in the Portland Press Herald that expressed the need to support Maine dairy farms, but also noted that the Commission has to balance its actions to meet the needs of all sectors of Maine's dairy industry, including consumers.

Stanley Millay agreed with the need to continually review the Producer Premium and its impact on either parts of the industry. He noted that there has not been any testimony that \$1.63 Producer Margin has been causing problems.

Chairman Wiers asked for a motion.

Stanley Millay made the motion to accept order #2-22 with a Commission premium of \$1.04/cwt. and a COPA of \$1.63/cwt. Richard Cook seconded the motion.

The motion passed 4-0.

Agenda Item 4: Maine Monthly Price Survey: Julie-Marie Bickford stated that she had performed a price survey in most of the usual areas, making an effort to visit stores that are not always routinely surveyed.

The IAMCA price survey was not available.

Agenda Item 5: Next Scheduled Meetings:

- A. **February 17, 2022**, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation, and Forestry, Deering Building, Augusta, ME
- B. **March 18, 2022**, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation, and Forestry, Deering Building, Augusta, ME
- C. **April 21, 2022**, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation, and Forestry, Deering Building, Augusta, ME
- D. **May 19, 2022**, Thursday, starting at 10:30 a.m., Room 101, Department of Agriculture, Conservation, and Forestry, Deering Building, Augusta, ME
- E. **June 23, 2022**, Thursday, starting at **4:00 p.m.**, Room 101, Department of Agriculture, Conservation, and Forestry, Deering Building, Augusta, Maine

Agenda Item 6: Other

A. **FY 2022 Financial Report.**

Over the next few months, the Commission will undertake a review of the Budget and develop a suggested plan of action to address declining revenues.

B. **Ch 26 – Major Substantive Rule Legislative Review (LD 1805 – Producer Margin)**

C. **Remote Meeting Policy**

Establishment of a Remote Meeting Policy will be discussed at next month's meeting.

Agenda Item 7: Work Session – Chapter 29 Dealer Margin

Julie-Marie Bickford reviewed the Dealer Margin Study Public Hearing that was held last month and noted that the Commission received written testimony from 4 intervenors.

Colon Durrell commented on the inclusion of a rate of return on all costs that was recommended in the study. He stated that though he had supported the current policy of including a rate of return only on the milk in the previous study, it was important to recognize that the Dealers also need to be able to financially survive.

Chairman Wiers asked for a motion.

Colon Durrell moved to accept the new Dealer Margin report as presented with the full 2.5% rate of return. Stanley Millay seconded the motion. The vote was 4-0 in favor.

Agenda Item 8: Executive Session: None

Adjourned: Adjourned; 4:30 p.m. January 20, 2022.